

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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DERRICK BARNES, *pro se*,

Plaintiff,

-against-

SHLOMO KHODARA,  
KINGS MECHANICAL LLC,

Defendant.  
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**SUMMARY ORDER**

09-CV-1233 (DLI)(LB)

**DORA L. IRIZARRY, United States District Judge:**

On March 23, 2009, plaintiff Derrick Barnes filed this *pro se* action alleging that defendant Shlomo Khodara of Kings Mechanical, LLC, his former employer, discriminated against him and illegally withheld wages. By Summary Order dated July 24, 2009, plaintiff's employment discrimination claim was dismissed without prejudice. With respect to his claim for illegally withheld wages, the court directed plaintiff to submit an amended complaint within 30 days of the Order. The Court further advised that, if plaintiff failed to comply with the Summary Order within thirty days, *i.e.*, by August 24, 2009, or failed to show good cause why he could not comply within the time allotted, the complaint would be dismissed for failure to state a claim on which relief may be granted. Plaintiff has not submitted an amended complaint and the time for doing so has long passed. Accordingly, it is hereby

**ORDERED, ADJUDGED AND DECREED:** That the complaint is hereby dismissed pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii). The court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and, therefore, *in forma pauperis* status is denied for purpose of an appeal. *Coppedge v. United States*, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

DATED: Brooklyn, New York  
November 10, 2009

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DORA L. IRIZARRY  
United States District Judge